



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,749	01/14/2002	Wilhelm Kegel	12816-027001	2622

7590 05/08/2003

Fish & Richardson  
225 Franklin Street  
Boston, MA 02110-2804

EXAMINER

LE, DUNG ANH

ART UNIT

PAPER NUMBER

2818

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/914,749

Applicant(s)

KEGEL ET AL.

Examiner

DUNG A LE

Art Unit

2818

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### **Response to Preliminary Amendment**

In Preliminary Amendment, applicant added new claims 8- 15 to original claims 1-5. Claims 6-7 is considered new claims, but Applicant amended as amended claims.

See 37 CFR 1.121 for Manner of making amendments in Application.

Amendment of Specification has received and not acceptable. e.g., On page 1, line 14, insert: - - BACKGROUND --.. Please review Preliminary Amendment.

### ***Oath/Declaration***

The oath/declaration filed on 9/4/2001 is acceptable.

### ***Information Disclosure Statement***

This office acknowledges of the following items from the Applicant:

Information Disclosure Statement (IDS) filed on 4/12/2002 and made of record as Paper No. 5. The references cited on the PTOL 1449 form have been considered.

### ***Drawings***

The drawings are objected to for the following reasons.

Each drawing should have a figure number.

### *Specification*

The specification is objected to for the following reasons:

a. A new abstract is required that is clearly indicative the invention to which the claims are directed.

b. Summary of the Invention is required. (Note: The application is informal in the arrangement of the specification. Each of the lettered items should be preceded by the headings indicated below. (a) Title of the Invention. (b) Cross-References to Related Applications (if any). (c) Statement as to rights to inventions made under Federally-sponsored research and development (if any). (d) Background of the Invention: i). Field of the Invention, and ii). Description of the Prior Art. (e) Summary of the Invention. (f) Brief Description of the Drawing(s). (g) Description of the Preferred embodiment(s). (h) Claims(s). (I) Abstract of the Disclosure.)

c. It is requested that Applicants spell out the acronym "AA" and "GC" so as to avoid any possible confusion as to the meaning of this term. Appropriate correction is required.

d. **New copy of the specification is required.**

The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

Claim 1 is objected to because of the following informality:

In claim 1, line 3, it is requested that Applicants spell out the acronym "AA" and "GC" so as to avoid any possible confusion as to the meaning of this term. Appropriate correction is required.

**Claim Rejections**

***Claim Rejections - 35 USC § 112***

Claims 1, 7, 8 and 13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the language of “the envisaged process” is insufficient antecedent basis for this limitation in the claim.

Claim 1, lines 4 and 5, the language of “ a predetermined heating rate “ it’s not clear as what heating rate is consider “a predetermined heating rate”.

Claim 1, line 6, the language of “ a predetermined cooling rate “ it’s not clear as what cooling rate is consider “a predetermined cooling rate”.

Claim 1, line 6, the language of “ constant temperature“ it’s not clear as what temperature is consider “constant temperature”.

Claim 1, lines 10 and 11, the language of “ a predetermined low cooling rate “ it’s not clear as what cooling rate is consider “a predetermined low cooling rate”.

Claim 7, the language of “the exit temperature“ is insufficient antecedent basis for this limitation in the claim.

Claim 8, line 3, the language of “ a starting temperature “ it’s not clear as what temperature is consider “a starting temperature ”.

Claim 8, lines 5-6, the language of “ a selected stabilization period “ it’s not clear as what period is consider “a selected stabilization period”.

Claim 8, line 7, the language of “ a processing temperature“ it’s not clear as what temperature is consider “a processing temperature”.

Art Unit: 2818

Claim 8, lines 9-10, the language of “ a selected processing period “ it’s not clear as what period is consider “a selected processing period”.

Claim 8, lines 11-12, the language of “ a selected low cooling rate “ it’s not clear as what cooling rate is consider “a selected low cooling rate”.

Claim 13, line 2, the language of “ a first cooling rate “ it’s not clear as what cooling rate is consider “a first low cooling rate”.

Claim 13, line 2, the language of “ a critical temperature“ it’s not clear as what temperature is consider “a critical temperature”.

Claim 13, line 2, the language of “ a second cooling rate “ it’s not clear as what cooling rate is consider “a second cooling rate”.

The remaining claims are dependent from the above rejected claims and therefore also considered indefinite.

When responding to the office action, Applicants’ are advice to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist the examiner to locate the appropriate paragraphs.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) day from the day of this letter. Failure to respond within the period for response will cause the application to become abandoned (see M.P.E.P 710.02(b)).

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung A. Le whose telephone number is 703-306-5797. The examiner can normally be reached on Monday-Friday 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on 703-308-4910. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Dung A. Le  
Examiner

